

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

SEAN COMBS,

Defendant.

24-cr-542 (AS)

DECLARATION OF ANNA ESTEVAO

I, Anna Estevas, declare as follows:

1. I am a partner at Sher Tremonte LLP, counsel for Sean Combs. I am licensed and in good standing to practice law in the States of New York and California and I am also admitted to the United States District Court for the Southern District of New York.

2. The declaration is based on my personal knowledge of the facts stated herein, and is submitted in support of Mr. Combs's motion *in limine* to preclude all known footage in the parties' possession purporting to show an incident between [REDACTED] and Mr. Combs on March 5, 2016 at the Intercontinental Hotel.

3. Attached as **Exhibit A** is the video the government attached to their September 17, 2024, September 18, 2024, and November 15, 2024 briefs opposing Mr. Combs' release. This video was aired on CNN on May 17, 2024.

4. On November 4, 2024, the government produced their fourth production of discovery to the defense. Included in the production was USAO_00314352, which was CNN's public broadcast from May 17, 2024. Attached as **Exhibit B** is USAO_00314352.

5. On November 13, 2024, the government produced their sixth production of discovery to the defense. Included in the production was USAO_00937645 – USAO_00937646,

which are two cell phone videos that were in the possession of a [REDACTED]. These videos appear to be videos from a cell phone recording security footage from the Intercontinental hotel incident in March of 2016. This cell phone footage records scenes from the incident that were not in the video leaked by CNN. Attached to this Declaration as **Exhibit C** is USAO_00937645. Attached to this Declaration as **Exhibit D** is USAO_00937646.

6. On November 15, 2024, Teny Geragos asked the government when they came into possession of these two videos. The government replied that they came into possession of the videos on August 7, 2024.

7. On January 28, this Court authorized a subpoena to CNN for “all copies (edited and unedited) of the video surveillance footage recorded at the intercontinental Hotel in Century City, California on March 5, 2016 depicting Sean Combs and a woman in a dark colored ‘hoodie’.” Attached to this Declaration as **Exhibit E** is the Subpoena Duces Tecum to CNN.

8. On January 29, 2025, I emailed the government with a *Brady* request related to the unedited Intercontinental Hotel video footage requesting information related to “the identity of any person(s) who possessed, manipulated, destroyed, or leaked the video to CNN.” In the request, I asked, “[p]lease also disclose the government’s efforts to locate this evidence.” Attached to this Declaration as **Exhibit F** is my January 29, 2025 email.

9. On January 31, 2025, the government replied to my email with a disclosure letter regarding this footage. Attached to this Declaration as **Exhibit G** is the government’s January 31, 2025, letter. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. In connection with the court-ordered subpoena, CNN retained Davis Wright Tremaine LLP (“DWT”) to represent them. DWT accepted service of subpoena on CNN’s behalf. After multiple phone, Zoom and email conferrals with DWT over the course of several days, DWT eventually admitted that CNN received a video file from a source (the “Original Video File”), made a complete copy of that video file (the “Copy”), and then the Original Video File. Attached to this Declaration as **Exhibit H** is written correspondence between myself and counsel from DWT.

11. CNN complied with the subpoena and produced four video files. The first video file is the CNN broadcast from May 17, 2024. The remaining three video files are the “Copy” of the video file that CNN received from its source. Attached to this Declaration as **Exhibit I** are all four video files received in response to the CNN subpoena. **Exhibit I-1** is the segment that CNN aired at 1pm on May 17, 2024. **Exhibit I-2** is a six minute and 13 second clip from the hallway of the Intercontinental with the filename 20633293-cen-1. **Exhibit I-3** is a two minute and 15 second clip from the elevator bank at the Intercontinental with the filename 20633327-cen-1. **Exhibit I-4** is a one minute and 59 second video of another view of the hallway at the Intercontinental with the filename 10633311-cen-1.

12. CNN, for their part, knew that there was a federal investigation into Sean Combs. For example, after the raids on Combs’ residences in March 2024, CNN cited “a law enforcement

source” who disclosed that the “search warrant activity” at Combs’ homes “is related to an *ongoing* sex trafficking investigation.” (emphasis added).

<https://www.cnn.com/videos/entertainment/2024/03/25/diddy-house-raided-sean-combs-los-angeles-miami-vpx.cnn>; *see also* <https://www.cnn.com/2024/03/25/entertainment/sean-combs-home-search/index.html> ; <https://www.cnn.com/videos/us/2024/03/30/diddy-investigation-sex-trafficking-assault-hip-hop-legacy-givhan-lcl-vpx.cnn>.

13. CNN has gone so far to publish that the very video they destroyed “could become evidence in an ongoing federal investigation related to Combs and allegations of sex trafficking.” <https://www.cnn.com/2024/06/01/entertainment/sean-diddy-combs-cases-future/index.html>.

14. Despite knowing of the federal investigation, CNN counsel has represented to myself and Teny Geragos that they destroyed the original footage they received.

15. We have not received any information in discovery reflecting that the government has investigated CNN’s destruction of evidence related to an ongoing federal investigation.

16. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 2, 2024
New York, NY

/s/ Anna Estevao
Anna Estevao, Esq.